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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,756	12/30/2004	Johan Neyts	50304/054001	5115
21559	7590	07/30/2008		
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			EXAMINER WANG, SHENGJUN	
			ART UNIT 1617	PAPER NUMBER
			NOTIFICATION DATE 07/30/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

### Office Action Summary

**Application No.**

10/519,756

**Applicant(s)**

NEYTS ET AL.

**Examiner**

Shengjun Wang

**Art Unit**

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 23-50 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 23-30, 45 and 46 drawn to a method for treatment or prevention of viral infection comprising administering an imidazo[4,5-c]pyridine as defined in claim 23.

Group II, claim(s) 31-44, 47-50 drawn to an imidazo[4,5-c]pyridine compound and composition comprising the same.

Group III, claim 45 drawn to a method for treatment or prevention of a disease which is not a viral infection comprising administering an imidazo[4,5-c]pyridine.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The imidazo[4,5-c]pyridine compound employed herein cannot be considered as the same or corresponding special technical feature as such compounds have been known in the art, and is not a special technical feature. See, e.g., the references cited in the international search report.

Furthermore, each of the above groups contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group A, In the formula of imidazo[4,5-c]pyridne, R1 is aryl, R3 is aryl, aryloxy, arylthio, or arylNR10;

Group B, In the formula of imidazo[4,5-c]pyridne, R1 is hydrogen, R3 is aryl, aryloxy, arylthio, or arylNR10;

Group C, In the formula of imidazo[4,5-c]pyridne, R1 is heterocyclic ring, R3 is aryl, aryloxy, arylthio, or arylNR10;

Group D In the formula of imidazo[4,5-c]pyridne, R1 is aryl, R3 is 5-membered heterocyclic, oxyheterocyclic, or thioheterocyclic ring;

Group E In the formula of imidazo[4,5-c]pyridne, R1 is hydrogen, R3 is 5-membered heterocyclic, oxyheterocyclic, or thioheterocyclic ring;

Group F In the formula of imidazo[4,5-c]pyridne, R1 is heterocyclic ring, R3 is 5-membered heterocyclic, oxyheterocyclic, or thioheterocyclic ring;

Group G In the formula of imidazo[4,5-c]pyridne, R1 is aryl, R3 is 6-membered heterocyclic, oxyheterocyclic, or thioheterocyclic ring;

Group H In the formula of imidazo[4,5-c]pyridne, R1 is hydrogen, R3 is 6-membered heterocyclic, oxyheterocyclic, or thioheterocyclic ring;

Group I In the formula of imidazo[4,5-c]pyridne, R1 is heterocyclic ring, R3 is 6-membered heterocyclic, oxyheterocyclic, or thioheterocyclic ring;

The inventions listed as Groups A-I do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special

technical features for the following reasons: The imidazo[4,5-c]pyridine moiety shared by all the compounds cannot be considered as the same or corresponding special technical feature as imidazo[4,5-c]pyridine compounds have been known in the art, and is not a special technical feature. See, e.g., the references cited in the international search report.

Further, the substituents herein are structurally distinct and independent each from the others

Note, for a full response to the restriction requirements, applicant is required to elect one group from groups I-III **AND** one group from groups A-I.

2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Various compounds encompassed thereby.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: each of the inventions encompasses compounds with structurally distinct moieties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang whose telephone number is (571) 272-0632. The examiner can normally be reached on Monday to Friday from 7:00 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shengjun Wang/  
Primary Examiner, Art Unit 1617